

Date: Sat, 23 Jan 93 04:30:21 PST
From: Ham-Policy Mailing List and Newsgroup <ham-policy@ucsd.edu>
Errors-To: Ham-Policy-Errors@UCSD.Edu
Reply-To: Ham-Policy@UCSD.Edu
Precedence: Bulk
Subject: Ham-Policy Digest V93 #20
To: Ham-Policy

Ham-Policy Digest Sat, 23 Jan 93 Volume 93 : Issue 20

Today's Topics:

(none)

Closed repeaters (FCC wants them open)

How to improve my CW speed (was: Re: Further evidence that...) (2 msgs)

Pres. Clinton speech via Packet? (2 msgs)

The Simpsons 1/21/93

Send Replies or notes for publication to: <Ham-Policy@UCSD.Edu>

Send subscription requests to: <Ham-Policy-REQUEST@UCSD.Edu>

Problems you can't solve otherwise to brian@ucsd.edu.

Archives of past issues of the Ham-Policy Digest are available
(by FTP only) from UCSD.Edu in directory "mailarchives/ham-policy".

We trust that readers are intelligent enough to realize that all text
herein consists of personal comments and does not represent the official
policies or positions of any party. Your mileage may vary. So there.

Date: Fri, 22 Jan 1993 20:54:14 GMT
From: usc!elroy.jpl.nasa.gov!sdd.hp.com!hpscit.sc.hp.com!hplextra!hpl-opus!
hpnmdla!alanb@network.UCSD.EDU
Subject: (none)
To: ham-policy@ucsd.edu

In rec.radio.amateur.policy, chuck@cmhcsys.cmhcsys.com (Chuck Stickelman) writes:

> My question is: Why can't the sys-op (or whomever) setup a
>"filter" that does a Rot13 on the "obscene, indecent, or profane words"?
>Does this count as "Encryption", making _it_ illegal?

I don't think Rot13 would be illegal as such, so long as the decoding
algorithm is widely known (e.g. explained in the message itself.)

However, this would not make the dirty words legal:

97.113 (d):

No station shall transmit: ... messages in code or ciphers where the intent is to obscure the meaning ... obscene, indecent, or profane words, language, or meaning ...

AL N1AL

Date: Fri, 22 Jan 93 21:30:29 GMT
From: news.acns.nwu.edu!zaphod.mps.ohio-state.edu!sdd.hp.com!cs.utexas.edu!
swrinde!emory!rsiatl!jgd@network.UCSD.EDU
Subject: Closed repeaters (FCC wants them open)
To: ham-policy@ucsd.edu

kurt@cs.tamu.edu (Kurt Freiburger) writes:

>Winning a lawsuit and being right have ABSOLUTELY nothing to do with each
>other!!!! As to your failure, it is obvious that you have never been involved
>with a lawsuit... Damages in the form of monetary "recompense" may be awarded
>in any situation. It depends on the shyster you hire. After all, his cut
>is dependant on: a) if he wins (retainer notwithstanding), and b) how much
>he can squeeze out of the other side.

I've been on the sending end of a lawsuit or two. What you say is not true. Damages are awarded either as actual or punitive. Actual damages are to compensate the winner for his actual losses. Since there is by definition, no business transaction involved in coordination, there are no actual damages. Punitive damages are to "teach the rascal a lesson", as my shark phrased it. There generally must be malice or gross negligence present in order to collect punitive damages. If the coordinator appears a bit more reasonable than Jay and can explain himself as obeying the FCC rules as he understands them and as they have been explained to him, ain't gonna be no punitive damages. If the coordinator explains to the jury that the real conflict is between a bunch of elitists operating a closed repeater and someone operating a repeater for the benefit of the public as specified in part 97, the jury may likely REVERSE the damages. I'd sure not want to try to defend a closed repeater to a jury.

Can you imagine Jay defending himself to a jury? :-)

John

--

John De Armond, WD40QC	Interested in high performance mobility?
Performance Engineering Magazine(TM)	Interested in high tech and computers?
Marietta, Ga	Send ur snail-mail address to

jgd@dixie.com | perform@dixie.com for a free sample mag
Need Usenet public Access in Atlanta? Write Me for info on Dixie.com.

Date: Fri, 22 Jan 1993 16:34:55 GMT
From: pacbell.com!charon.amdahl.com!netcomsv!netcom.com!chand@network.UCSD.EDU
Subject: How to improve my CW speed (was: Re: Further evidence that...)
To: ham-policy@ucsd.edu

In article <1993Jan20.140144.14401@spider.co.uk> jmorris@spider.co.uk (John Morris) writes:

>
>So, apart from "practice, practice, practice", what's the trick? Can
>any of the really hot CW operators give me any hints about getting over
>the 20wpm barrier?

>
Of course, it *is* practice, practice, practice. But what I found got me over that 20wpm barrier was to stop writing everything down. It's sort of a leap of faith not to write it down, you feel like you're going to miss something. But lo and behold, you'll find yourself hearing words in your head, almost effortlessly. If you can copy 20wpm, you have already learned to hear whole words, you just don't know it yet. (I remember it was a real blast at first, being able to walk around the room and listen to cw like I was listening to speech.) After that barrier, the average human limit seems to be around 40wpm or so. Have fun.

(Of course, you'll want to take notes, just as when you listen to someone speak).

-charlie hand AA7YK

Date: Thu, 21 Jan 93 21:34:54 GMT
From: usc!rpi!newsserver.pixel.kodak.com!laidbak!tellab5!balr!ttd.teradyne.com!news@network.UCSD.EDU
Subject: How to improve my CW speed (was: Re: Further evidence that...)
To: ham-policy@ucsd.edu

In article <1993Jan20.140144.14401@spider.co.uk>, jmorris@spider.co.uk (John Morris) writes:

> So, apart from "practice, practice, practice", what's the trick? Can
> any of the really hot CW operators give me any hints about getting over
> the 20wpm barrier?

>

Actually, "practice" is the trick. What I did find, however, was that short sessions worked better than long. At least for me. I ran a 10 min tape 2 or 3 times a day, rather than sitting down for an hour or more at a time. It took about 8 weeks to get from 13wpm to a 'reliable' 20 (which means that I was able to copy 25 under 'ideal' conditions at home) under 'test stress'.

John Rice - K9IJ		"Did I say that ?" I must have, but It was
rice@ttd.teradyne.com		MY opinion only, no one else's...Especially
(708)-940-9000 - (work)		Not my Employer's.... Licensed since 1959
(708)-438-5065 - (bbs)		Ex: K8YZR, KH6GHC, WB9CSP, W9MMB, WA1TXV

Date: Fri, 22 Jan 1993 21:14:33 GMT
From: usc!elroy.jpl.nasa.gov!sdd.hp.com!hpscit.sc.hp.com!hplextra!hpl-opus!
hpnmdla!alanb@network.UCSD.EDU
Subject: Pres. Clinton speech via Packet?
To: ham-policy@ucsd.edu

In rec.radio.amateur.policy, steve@zero.com (Steve Urich) writes:

> Just wondering what the legal implications are if one would resent
> Pres. Clintons enaugural speech via packet? I read the speech and
> it looks pretty harmless, more like poetry :-).

If it is sent in a 2-way QSO with another station, no problem. If it is broadcast via a packet BBS bulletin, then it violates the restrictions on broadcasting:

97.113 (c) No station shall transmit communications in order to engage in any form of broadcasting...

97.3 (10) Broadcasting. Transmissions intended for reception by the general public, either direct or relayed. ...

(23) Informational bulletin. A message directed only to amateur operators consisting solely of subject matter of direct interest to the amateur service.

97.111 (b) In addition to one-way transmissions specifically authorized elsewhere in this Part, an amateur station may transmit the following types of one-way communications: ...

(6) Transmissions necessary to disseminate information bulletins.

In other words, you can send bulletins of interest to the amateur service

as such, but not bulletins of interest to the general public.

> ... I know there is a limitation of
> political qsos with stations ``outside'' of the usa.

I know of no legal limitation on political QSOs. It's probably a good idea to steer clear of controversial political discussions, however, because they can so easily degenerate to shouting matches, which does no good for amateur radio.

AL N1AL

Date: Fri, 22 Jan 93 21:39:53 PST
From: gumby!destroyer!cs.ubc.ca!mala.bc.ca!oneb!ham!emd@yale.arp
Subject: Pres. Clinton speech via Packet?
To: ham-policy@ucsd.edu

steve@zero.com (Steve Urich) writes:

>
> Just wondering what the legal implications are if one would resent
> Pres. Clintons enaugural speech via packet? I read the speech and
> it looks pretty harmless, more like poetry :-).
>
> What are the latest policies on political type information if it
> remains distrubuted in the usa? I know there is a limitation of
> political qsuos with stations ``outside'' of the usa.
>
> Just Curious, anyone else curious?
>
> 73 Steve
>
> --
> |Stephen Urich| Internet:steve@zero.com | "Cattle mutilations
> |NIC: SU2 | UUCP:uunet!beyonet!steve | are up!" --Sneakers
> |ARS: WB3FTP | Packet:WB3FTP@WB3FTP.#EPA.PA.USA.NOAM | ax25<->PBBS<->IPGATE
> |Bensalem, PA |Radio:wb3ftp@wb3ftp.ampr.org[44.80.8.44]| TCP/IP-FTP-SMTP-UNIX

Hell, I don't mind if you want to send it outside the U.S. Mind you, I've already read it on Usenet, and it has about the same quota of platitudes as the rest of the stuff on here.....:-)

Robert Smits VE7EMD Ladysmith B.C. e-mail: emd@ham.almanac.bc.ca

The first thing we do, let's kill all the lawyers. King Henry VI, Part 2

Date: 22 Jan 93 17:32:29 GMT
From: news-mail-gateway@ucsd.edu
Subject: The Simpsons 1/21/93
To: ham-policy@ucsd.edu

So Aunt Selma Bouivet is a ham radio operator, eh? Do not Selma and Patty live in a condo?

Must be who got Bart the shortwave radio he never uses.

It is also interesting to see that the producers at Gracie Films think of amateur radio in the 1950's "large ugly boxes" way. Still got a long way to go to overturn that stereotype.

Have to go back and see if there was a callsign on the rig somewhere.

73, bill wb9ivr

Date: Fri, 22 Jan 1993 12:10:07 GMT
From: dog.ee.lbl.gov!overload.lbl.gov!agate!spool.mu.edu!howland.reston.ans.net!zaphod.mps.ohio-state.edu!menudo.uh.edu!uuneo!sugar!jreese@network.UCSD.EDU
To: ham-policy@ucsd.edu

References <1993Jan20.150617.3024@porthos.cc.bellcore.com>, <8491@lib.tmc.edu>, <C16Fvu.5zE@hpuerca.atl.hp.com>mps.
Subject : Re: Closed repeaters (FCC wants them open)

In article <C16Fvu.5zE@hpuerca.atl.hp.com> jab@hpuerca.atl.hp.com (Alan Barrow) writes:

>I have a hard time getting excited about fm linked systems. We have
>several times considered a trunking approach here in Atl. We have enough
>440 repeaters give it a try. Rather than cross link all of them (which
>reduces the amount of information that can be sent).

That's not the point of linking at all. There's no value in linking radios that cover the same area...the idea is to provide wide area coverage with the same radio system. Linking 5 or 6 radios together that cover the same areas doesn't make sense.

In a city the size of Houston, for example, even a radio on a 1400 foot tower won't give adequate coverage of the entire metro area. Shorter towers that

are close to the users works much better.

Trunking would be interesting, but it doesn't serve the same purpose as inter-city linking. Trunking would increase the number of users per channel, but it would not necessarily improve coverage...unless you put the trunked channels in different locations...

I can get in my car and drive from Houston to Dallas and never lose coverage. This means I can get help or just talk to the friends back home during my entire trip. This is the purpose of linked systems.

--

Jim Reese, WD5IYT	"Real Texans never refer to trouble
jreese@sugar.neosoft.com	as deep doo-doo" --Molly Ivins

Date: Thu, 21 Jan 1993 15:34:26 GMT

From: sdd.hp.com!saimiri.primate.wisc.edu!zaphod.mps.ohio-state.edu!menudo.uh.edu!
uuneo!sugar!jreese@network.UCSD.EDU

To: ham-policy@ucsd.edu

References <1993Jan20.150617.3024@porthos.cc.bellcore.com>, <8491@lib.tmc.edu>,
<1993Jan20.211059.8912@porthos.cc.bellcore.com>

Subject : Re: Closed repeaters (FCC wants them open)

In article <1993Jan20.211059.8912@porthos.cc.bellcore.com>

whs70@dancer.cc.bellcore.com (sohl,william h) writes:

>It need not cost the coordinator anything more than his personal time
>and effort. There is no requirement that the coordinator hire an attorney.

Anyone who goes to court to defend a lawsuit without an attorney is a FOOL!

>As above, if the coordinator's decision is within the framework of whatever
>FCC regulations apply, I fail to see why a coordinator couldn't just
>make that argument him/herself to the judge where the case is being
>handled. Also, it should be obvious to any court that any case
>like that should not be argued in anything other than the appropriate
>federal court.

The problem is that you won't be sued for "assigning a frequency to someone else"...you'll get trapped in a slander case or something similar. The simple fact that they get you into the suit at all will bring your coordinating functions to a halt...you lose, even if you win...

--

Jim Reese, WD5IYT | "Real Texans never refer to trouble
jreese@sugar.neosoft.com | as deep doo-doo" --Molly Ivins

Date: Fri, 22 Jan 1993 19:23:46 GMT
From: yuma!gw214790@purdue.edu
To: ham-policy@ucsd.edu

References <8486@lib.tmc.edu>, <Jan20.151950.13613@yuma.ACNS.ColoState.EDU>,
<C17nG4.2L0@sugar.neosoft.com>
Subject : Re: Closed repeaters (FCC wants them open)

In article <C17nG4.2L0@sugar.neosoft.com> jreese@NeoSoft.com (Jim Reese) writes:

>In article <Jan20.151950.13613@yuma.ACNS.ColoState.EDU>

gw214790@LANCE.ColoState.Edu (Galen Watts) writes:

>>Would you use such language on the air? I think you are the disgrace,

>>Mr Maynard.

>

>I think Jay expressed the opinion of many amateurs. Anyone who would condone
>jamming and litigation to prove a point is a disgrace.

> Jim Reese, WD5IYT | "Real Texans never refer to trouble

> jreese@sugar.neosoft.com | as deep doo-doo" --Molly Ivins

I don't advocate or condone jamming. Litigation is everyone's legal right.
If the litigation is frivolous, the court will dismiss the case and possibly
take action on the filer.

As for the use of language along the lines of Mr. Maynard's, did you
consider the possibility of younger hams reading his comments?
The language used by Mr. Maynard does nothing but give his opponent
another look from me, and gives me the impression Mr. Maynard does not
have the command of the English language he needs to present a convincing
argument.

I often use such language myself, but not where the possibility of someone
below the age of 12 can hear me. Ditto for my mother.

I don't need no stinking signature block.
Galen Watts, KF0YJ

Date: Thu, 21 Jan 1993 15:38:28 GMT
From: sdd.hp.com!saimiri.primite.wisc.edu!zaphod.mps.ohio-state.edu!menudo.uh.edu!
uuneo!sugar!jreese@network.UCSD.EDU

To: ham-policy@ucsd.edu

References <1993Jan19.223419.13226@btree.uucp>, <8486@lib.tmc.edu>,
<Jan20.151950.13613@yuma.ACNS.ColoState.EDU>sug
Subject : Re: Closed repeaters (FCC wants them open)

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gw214790@LANCE.ColoState.Edu (Galen Watts) writes:
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I think Jay expressed the opinion of many amateurs. Anyone who would condone
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--

Jim Reese, WD5IYT	"Real Texans never refer to trouble
jreese@sugar.neosoft.com	as deep doo-doo" --Molly Ivins

Date: Thu, 21 Jan 1993 15:26:59 GMT
From: sdd.hp.com!saimiri.primate.wisc.edu!zaphod.mps.ohio-state.edu!menudo.uh.edu!
uuneo!sugar!jreese@network.UCSD.EDU
To: ham-policy@ucsd.edu

References <1993Jan19.223419.13226@btree.uucp>, <8486@lib.tmc.edu>,
<1993Jan20.150617.3024@porthos.cc.bellcore.com>ar
Subject : Re: Closed repeaters (FCC wants them open)

In article <1993Jan20.150617.3024@porthos.cc.bellcore.com>
whs70@dancer.cc.bellcore.com (sohl,william h) writes:
>The point made in the statement would be that where a
>"closed" system exists, there would also then be the possibility of
>having an open repeater in the same (or nearby area).

There's no technical problem with this at all. The problem is entirely
political. This activity puts the frequency coordinator in the position
of making a judgement call as to which closed system gets an open one dropped
on it's channel. This is where the coordinators get uncomfortable.

>But I really wonder about the value of these extensively linked
>systems which ultimately come down to being little more than a
>large "Private network" usable only by those that are part of the
>in group.

While this is true of some linked systems, there are also extensive open
linked systems like Condor, Zia, and West Texas Connection which provide

large area coverage. This activity is especially useful in rural areas with low population density. West Texas Connection, for example, covers a very large physical area, but has relatively few users because of the few hams living in the coverage area. Linked systems provide coverage in areas where there are few other radios.

>And if the FCC does change the FEDERAL law (applicable Part 97), just
>who is going to sue whom over what. If the FCC changes part 97,
>surely you don't expect any repeater owner to prevail in a local court where
>the coordinator is just applying the FCC regs as proscribed?

This is just a hypothetical situation, and the FCC is not likely to give the frequency coordinators this kind of power anytime soon.

>what do you even mean when you say "massive" lawsuits? I'm simply
>tired of seeing that threat tossed out as if it is supported by
>existing case law, etc. I've yet to see anyone post an example of
>a coordinator being sued which might have resulted in anything more
>than the frequency assignment issue being changed, etc. No one has
>yet to post any example of a financial penalty (monetary damages)
>ever being assessed against a coordinator.

What about legal fees to defend themselves? What about the logistical tie-ups while the litigation progresses? There are many other harmful things a lawsuit does besides monetary damages. When the Texas VHF-FM Society was sued, it basically consumed all of the group's resources for two years.

>Then why would anyone ever sue a coordinator. You clearly point out
>that coordinators do NOT have any power to assign frequencies on any
>type of exclusive basis.

You are under the false impression that you need a good reason to sue someone...Whether the suit directly involves a coordination or not is unimportant...it keeps the group involved from doing business until the suit is resolved.

When the Texas VHF-FM Society was sued, it was for slander. The person filing the suit claimed that his character was defamed by an article printed in the Society's newsletter outlining the particulars of the case involving this person. There was no basis for the suit, and it was eventually dismissed with prejudice towards the Society, but it prevented the Society from doing normal business for two years.

This stuff DOES happen. It's not just fabrication.

--

Jim Reese, WD5IYT

| "Real Texans never refer to trouble

jreese@sugar.neosoft.com | as deep doo-doo" --Molly Ivins

Date: 22 Jan 1993 15:29:53 GMT
From: usc!cs.utexas.edu!bcm!lib!oac.hsc.uth.tmc.edu!jmaynard@network.UCSD.EDU
To: ham-policy@ucsd.edu

References <1993Jan20.150617.3024@porthos.cc.bellcore.com>, <8491@lib.tmc.edu>,
<1993Jan20.211059.8912@porthos.cc.bellcore.com>
Subject : Re: Closed repeaters (FCC wants them open)

In article <1993Jan20.211059.8912@porthos.cc.bellcore.com>
whs70@dancer.cc.bellcore.com (sohl,william h) writes:

>It need not cost the coordinator anything more than his personal time
>and effort. There is no requirement that the coordinator hire an attorney.
>If it were me, I'd represent myself. What's the worst outcome, the
>frequency(ies) at issue get coordinated in some other manner.

As others have noted, there's a lot of truth in the old maxim that "an attorney who represents himself has a fool for a client". A non-attorney who represents himself is most likely even more foolish. I do computers for a living, and have expertise in several other areas, none of which are the law. I wouldn't even consider representing myself in court, as I know I'd get clobbered.

What's the worst outcome? How about having to pay the other guy damages for loss of reputation, emotional distress, and anything else they can load into it, as well as attorney fees and court costs, which can easily run into the several thousands of dollars? How often do you see appeals for some ham or other's legal defense fund, especially in cases where he's as much in the right as you claim coordinators should be?

>You mention a lawsuit involving Karl Pagel, a few questions come
>to mind: (1) What was the issue? (2) In what court (federal, state, etc.)
>was the case decided? (3) Is the case written up anywhere to review?

Here's as much as I know: Karl Pagel, N6BVU, who was at the time the coordinator for the 220 Spectrum Management Association in southern California, was holding several frequencies in reserve so that Mexican hams would have some places to put repeaters. When the other frequencies were exhausted, some hams who were told that there were no more available formed their own coordination council, coordinated themselves on the reserved pairs, and then got a letter from John Johnston at the FCC stating that the FCC would recognize any coordinator which had any evidence of amateur support. Armed with that, they demanded that 220SMA recognize their coordinations, and sued when Karl refused. Karl settled the suit rather than face the certainty of large attorney's fees and the possibility of major damages.

Those are all the details as I know them; the story was widely known among frequency coordinators at the time, about 5 years or so ago. (Corrections and additions are welcome.) I don't know where the suit was filed, but there would have been no decision rendered, since it was settled.

>As above, if the coordinator's decision is within the framework of whatever
>FCC regulations apply, I fail to see why a coordinator couldn't just
>make that argument him/herself to the judge where the case is being
>handled. Also, it should be obvious to any court that any case
>like that should not be argued in anything other than the appropriate
>federal court.

That still doesn't mean that the suit couldn't be filed in a state court, or that a coordinator would be able to force that transfer to a federal court on his own, or that the court would see it that way, or that he wouldn't get his case blown away in federal court...

>Maybe changing it will, maybe not, time will ultimately tell.

I'll repeat my question once again: Are you willing to pay for the defense of lawsuits that come up under your proposed policies?

--

Jay Maynard, EMT-P, K5ZC, PP-ASEL | Never ascribe to malice that which can
jmaynard@oac.hsc.uth.tmc.edu | adequately be explained by stupidity.

"I don't want to read poor Microsoft bashing. I want to read good
Microsoft bashing." -- Douglas A. Bell, in comp.os.os2.advocacy (Me too!)

Date: Fri, 22 Jan 1993 21:13:47 GMT

From: sdd.hp.com!col.hp.com!news.dtc.hp.com!hpscit.sc.hp.com!hpuerca.atl.hp.com!
jab@network.UCSD.EDU
To: ham-policy@ucsd.edu

References <8486@lib.tmc.edu>, <C16FF4.5oI@hpuerca.atl.hp.com>,
<8510@lib.tmc.edu>(

Subject : Re: Closed repeaters (FCC wants them open)

In <8510@lib.tmc.edu> jmaynard@oac.hsc.uth.tmc.edu (Jay Maynard) writes:

>You've been listening to Gary Coffman's semantic quibbling too long. 97.205(e)
>means exactly what it says: limiting use of a repeater to certain user
>stations is permissible.

Nope. (I do listen to Gary occasionally, however.) We have a pretty
good consensus of repeater operators, Rptr Councils, and FCC field
office here. Interpretation is not an issue.

>What do your local clubs do when a conversation is going on down the link and
>a non-member comes on? Do you run him off, or do you drop off the link, or do
>you let him use the restricted functions anyway? In the last two cases, your
>club is letting non-members dictate what you do with your repeater.

You seem to miss most points.

- 1) The linked repeater functions like a normal rptr in most cases.
The new user would be expected to use the same courtesy that would
be used for normal rptrs. (IE: do not double.) this is no
different from a normal repeater.
- 2) The trustee can determine whether a link or a local input
has priority. Or they can be wire OR'd. So for net's, etc,
you can select which approach to use.
- 3) Communicating on the repeater is **not** a restricted function.
Period. If the link is up, all are welcome to use it. During
busy drive times at both ends, sometimes the link is disabled.
There is not a problem with "interlopers" as there is no reason
for them to interlope.

I am coming to the conclusion that the systems that you guys are
defending have flawed topology/design, as these are non-issues in the
systems I have seen.

SELA (South Eastern Linking Assoc) has communicated with the Cactus
folks, and found the technology and attitudes lacking. (It does work,
but did not appear to be anything outstanding, per the SELA member
I discussed this with.)

>...but if I'm in the middle of a conversation with folks in Austin, Dallas,
>Midland, and Corpus Christi, and someone comes on locally who, far from
>supporting my repeater, is an active opponent of it, what would you have me
>do? I choose not to let him run me off of my system, interfering with my
>conversation.

You turn on your lid filter, and he goes away. See above postings.
Closed repeaters draw these guys like magnets. This is not a problem
due to policy, but even if it was, there is a technical solution
in place on the system. Again, seems like your whiz bang system needs
some design review. I am not impressed.

>>Where did he say "fully". Only the local repeater need be open. You want
>>to play ancilliary functions, you pay the dues. Nope, I just see more
>>word twisting.

>Sorry; I've just shot that argument down. Next?

No, you (intentionally?) missed the point. This is not worth arguing.

Your closed system will ultimately unravel. Enjoy stroking your little egos on your talking box, have bible studies to reenforce your selective interpretations of the regs. Reminds me of some religious types I know of. (Nothing wrong with religion, I just despise zealous prophets.)

>...so, in essence, you want me to let others dictate how I use my amateur station. Da, Comrade.

There is a technical solution to this. I will not outline it to you, so continue to be plagued by this problem if you wish.

>>Does anyone **really** care about FM rpters that much? They are a tool, not
>>a lifestyle.

>The open repeater comrades apparently do...

I do agree that some clubs focus on the controller, but most seem to do OK.

>>Time to do something productive.

>Yep. Why aren't these folks working to populate 1200 and 900, rather than
>whining about closed repeaters? We populated 440 when it was in about the same
>state that 1200 is now...

Well, these guys are pioneering 1200, 900, and 10Ghz locally just like they did for 440, 220, ATV, and other areas. Some examples:

- ATV 1200 in 430 out rpتر
- ATV 900 in 430 out rpتر
- Shuttle video rebroadcast on the 430 output
- 900 Mhz audio link for 2m/440 rpتر
- (New) 10 Ghz audio link
- 900 nbfm rpتر in the works.
- GE mstr II converted to 220
- split site 10m rpتر, linked with 440. All GE, (no rangers here)
- split site 6m rpتر, same as above

We refer to these guys as "NBIS". (No band is safe).

Watching new kd4xxx's play waveguide is a kick. All are welcome.

If you like to whine, you are encouraged to go elsewhere.

Resources are not an issue. This is unlike closed groups that I have

seen.

So you will have a hard time trying to claim the technical/moral high ground based on the comments about the systems you and Jim keep defending.

If you want to be closed, go do it. But do not expect sympathy or even long term operation, as I suspect the closed repeaters will fade away over a period of time.

Enough time wasted on this issue.

73,

```
Alan Barrow  km4ba | I've seen things you people wouldn't believe. Attack
jab@atl.hp.com    | ships on fire off the shoulder of Orion. I watched
                  | C-beams glitter in the dark near the Tannhauser gate.
...!gatech!kd4nc! | All those moments will be lost in time -
                  km4ba!alan | like tears in rain. Time to die.          Roy Batty
```

Date: 22 Jan 1993 23:23:31 GMT
From: usc!cs.utexas.edu!bcm!lib!oac.hsc.uth.tmc.edu!jmaynard@network.UCSD.EDU
To: ham-policy@ucsd.edu

References <1993Jan20.211059.8912@porthos.cc.bellcore.com>,
<C17n9E.2I1@sugar.neosoft.com>, <1993Jan22.210202.23769@porthos.cc.bellcore.com>
Subject : Re: Closed repeaters (FCC wants them open)

In article <1993Jan22.210202.23769@porthos.cc.bellcore.com>
whs70@dancer.cc.bellcore.com (sohl,william h) writes:
>Let's be serious here for a minute, slander (or liabel) is a very
>specific area of law and assigning or not assigning frequency
>coordination to someone is totally unrelated to slander.

That depends on the case...see below.

>Also, others
>have stated similar arguments, but as long as the issue or lawsuit involves
>the application of FCC rules, it does not and should not even be heard in
>a state or local court. The only way I can see a local court being
>the starting point would be if the suit is filed with NO claim of a
>violation of federal laws,

You're assuming that everyone does things by the book; even if the suit is started in a federal court, there's still the requirement to defend against it.

>but slander....come on now. I know there
>are all kinds of jerks out there, but I'd really like to hear a GOOD
>example of how a frequency coordination conflict gets turned into
>a slander case.

Here's how it happened to the Texas VHF-FM Society, immediately before and during my term as its president (this is long; please bear with me):

An amateur who could not obtain a frequency coordination on his own due to frequency congestion in the area where he wished to place his repeater made an arrangement with an individual who had been issued a coordination. The coordinated trustee agreed to allow the other's radio club to use his pair, and allowed the club to use his callsign on the repeater. For reasons unknown and irrelevant, the two had a falling out, and the coordinated trustee placed his own original repeater back on the air. The club shut their repeater down for a while and demanded that we re-coordinate the pair to the club; we refused, as our documented procedures did not allow for that, since the original trustee had not listed the pair as being a club coordination. The club placed their repeater back on the air, under a callsign different from the amateur who originally made the arrangement. The coordinated trustee complained to the FCC about interference. The FCC went to our local coordinator, who happened to be Jim Reese, WD5IYT (he's the guy you replied to). Jim told the FCC who was coordinated. The FCC called the involved parties into their office, and explained the rules to them, instructing the uncoordinated trustee (from the club) in writing to resolve the interference or remove his repeater from the air. After a period of time, they did.

To our knowledge, this was the first time the FCC had used the then-new coordination rules in a real case. Joe Jarrett, K5FOG, who was the president of the Society at the time, told the story in his column in the Society newsletter, saying that the FCC had asked us who was coordinated, we answered, and the pink slip went to the other party.

The original club member saw that and saw fit to sue the Society for libel (not slander). After a long, dreary time, during which the plaintiff offered at least once to drop the suit if we'd coordinate him on that channel, we reached a settlement whereby the the suit was dropped with prejudice in return for the Society's printing the letters the FCC issued in the newsletter with all names except that of the plaintiff blacked out.

You might say that that was unrelated. I don't agree, both because the suit probably would never have been filed had the Society coordinated the plaintiff as he demanded, and because of his offer of settlement if we'd coordinate him.

>Again, what seems to be said here is that even if there's a change in
>the FCC regulations, the coordinators had best not implement the new
>rules because of this implied threat of a lawsuit, yet no such great

>case has been brought to the table. The one example involved the
>holding in reserve of some frequencies and that simply resulted in
>an out of court agreement to assign them. Interesting that there
>seems to be no knowledge of massive damage claims, slander charges, etc.

There's nothing stopping a plaintiff from demanding such, and even the expense of defending such a lawsuit in the proper fashion is enough to bankrupt most small organizations.

>As to the Texas VHF society, their being tied up for two years in
>litigation seems to have had nothing to do with what they did, but what
>someone wrote in the club newsletter...again, a bit removed from the
>actual issue of frequency assignment/coordination.

Hardly. The issue arose directly out of a coordination decision, and I'm certain that, had not the article in question been printed, that some other route would have been found to bring the issue to court.

>If I were the Texas
>VHF, etc., I'd have just folded the tent and started a new club, assuming
>the club was incorporated to at least protect its officers from individual
>suits.

It is, although that would have been somewhat more complicated than it sounds, as there were assets worth protecting, and the transfer of which to a new organization would have been nontrivial.

--

Jay Maynard, EMT-P, K5ZC, PP-ASEL | Never ascribe to malice that which can
jmaynard@oac.hsc.uth.tmc.edu | adequately be explained by stupidity.

"I don't want to read poor Microsoft bashing. I want to read good
Microsoft bashing." -- Douglas A. Bell, in comp.os.os2.advocacy (Me too!)

Date: Fri, 22 Jan 1993 19:00:26 GMT
From: usc!sdd.hp.com!hpscit.sc.hp.com!hpuerca.atl.hp.com!jab@uunet.uu.net
To: ham-policy@ucsd.edu

References <8491@lib.tmc.edu>, <C16Fvu.5zE@hpuerca.atl.hp.com>,
<C198Gw.4q5@sugar.neosoft.com>
Subject : Re: Closed repeaters (FCC wants them open)

In <C198Gw.4q5@sugar.neosoft.com> jreese@NeoSoft.com (Jim Reese) writes:

>That's not the point of linking at all. There's no value in linking radios
>that cover the same area...the idea is to provide wide area coverage with
>the same radio system. Linking 5 or 6 radios together that cover the same

>areas doesn't make sense.

There is value to linking repeaters in the same area, just as there is value in voting receivers. The difference is that the linked rpters can also function as stand alone "cells" if there is a problem with the other cells.

>In a city the size of Houston, for example, even a radio on a 1400 foot tower >won't give adequate coverage of the entire metro area. Shorter towers that >are close to the users works much better.

This is the situation in Atlanta. There are two approach's in use:

- voting rcvrs
- Linked "cells"

Both work well, and all are open.

>Trunking would be interesting, but it doesn't serve the same purpose as >inter-city linking. Trunking would increase the number of users per >channel, but it would not necessarily improve coverage...unless you put >the trunked channels in different locations...

Trunking can improve coverage, and allow more users. All trunks do not have to be at the same site. They typically are not.

>I can get in my car and drive from Houston to Dallas and never lose coverage. >This means I can get help or just talk to the friends back home during my >entire trip. This is the purpose of linked systems.

I can drive from 200 miles South of Atlanta to North of Knoxville Tenn and never lose coverage from the local linked system either. All on open machines with all the whiz bang "experimental" features available as well.

All users can benefit from the system. It's main benefit is for travellers along I-75. Yet only club members can bring the link up or down, or add in ad-hoc remote base "links". Note this is not just ACC talking boxes with IC-2A's. The RF is nearly all GE Master II's or MVP's. Many of the links are full duplex. The Main machine has 4-6 rcv sites around metro Atlanta. They are now playing with 10 Ghz links, with the hope of multi channel links.

All the repeaters are open. All work is volunteer. (I designed a simple 8748 rpttr controller/ID for the links.) Club dues are \$20 a year, which gets you access to the AP, DVR, and remote bases. All other functions are open.

The main AP is open during daylight hours. This is the 1st open patch in

Atlanta for 15 years. Conventional wisdom was that open patches would be impossible to control. It has not been a problem. As mentioned in earlier articles, any problems were quietly and quickly dealt with. Never did it take more than a week.

Not to say that the group does not have to deal with intermod, poor engineering of "ham grade" equipment, etc. These are not EE's. The two main "drivers" are high school education two way radio types. But they keep it working, add new features, etc.

If they can do this, why is this such a big deal. Hmmm, I do not buy the convoluted justifications.

This is not rocket science, guys....

```
Alan Barrow km4ba | I've seen things you people wouldn't believe. Attack
jab@atl.hp.com   | ships on fire off the shoulder of Orion. I watched
                  | C-beams glitter in the dark near the Tannhauser gate.
...!gatech!kd4nc! | All those moments will be lost in time -
km4ba!alan | like tears in rain. Time to die. Roy Batty
```

Date: 22 Jan 1993 15:37:59 GMT
From: usc!cs.utexas.edu!bcm!lib!oac.hsc.uth.tmc.edu!jmaynard@network.UCSD.EDU
To: ham-policy@ucsd.edu

References <1993Jan19.223419.13226@btree.uucp>, <8486@lib.tmc.edu>,
<C16FF4.5oI@hpuerca.atl.hp.com>
Subject : Re: Closed repeaters (FCC wants them open)

In article <C16FF4.5oI@hpuerca.atl.hp.com> jab@hpuerca.atl.hp.com (Alan Barrow) writes:

>How does linking required closed repeaters? I know for a fact you can
>have extensive multi repeater linked systems with open machines.
>(We do it here in GA, I have used others in New England, Seattle, etc)

>The local linked repeaters consider linking the same as autopatches,
>restricted to club members. Anyone can use a repeater to communicate.
>But linking, DVR, patches, etc are club restricted functions. This is
>legal, and what the FCC seems to intend by the regs.

You've been listening to Gary Coffman's semantic quibbling too long. 97.205(e) means exactly what it says: limiting use of a repeater to certain user stations is permissible.

What do your local clubs do when a conversation is going on down the link and

a non-member comes on? Do you run him off, or do you drop off the link, or do you let him use the restricted functions anyway? In the last two cases, your club is letting non-members dictate what you do with your repeater.

>You control the rpttr output. If you want the non-club member using the
>repeater on the remote end to go away when you enable your link, then do
>it. You are not interfering with his transmission. *You*, the repeater
>operator determine which receiver gets repeated.

...but if I'm in the middle of a conversation with folks in Austin, Dallas, Midland, and Corpus Christi, and someone comes on locally who, far from supporting my repeater, is an active opponent of it, what would you have me do? I choose not to let him run me off of my system, interfering with my conversation.

(This is not a hypothetical. It has happened here. Repeatedly.)

>Where did he say "fully". Only the local repeater need be open. You want
>to play ancilliary functions, you pay the dues. Nope, I just see more
>word twisting.

Sorry; I've just shot that argument down. Next?

>The repeater operator makes the decision whether to repeat the signal on
>his input frequency. If he elects to not repeat that signal, he has
>effectively "vacated" the frequency for that duration. So turn off your
>repeater, take your toys home, whatever. That is your decision.

...so, in essence, you want me to let others dictate how I use my amateur station. Da, Comrade.

>Does anyone *really* care about FM rpttrs that much? They are a tool, not
>a lifestyle.

The open repeater comrades apparently do...

>Time to do something productive.

Yep. Why aren't these folks working to populate 1200 and 900, rather than whining about closed repeaters? We populated 440 when it was in about the same state that 1200 is now...

--

Jay Maynard, EMT-P, K5ZC, PP-ASEL | Never ascribe to malice that which can
jmaynard@oac.hsc.uth.tmc.edu | adequately be explained by stupidity.

"I don't want to read poor Microsoft bashing. I want to read good
Microsoft bashing." -- Douglas A. Bell, in comp.os.os2.advocacy (Me too!)

Date: 22 Jan 1993 20:27:30 GMT
From: sdd.hp.com!cs.utexas.edu!bcm!lib!oac.hsc.uth.tmc.edu!
jmaynard@network.UCSD.EDU
To: ham-policy@ucsd.edu

References <Jan20.151950.13613@yuma.ACNS.ColoState.EDU>,
<C17nG4.2L0@sugar.neosoft.com>, <Jan22.192346.16125@yuma.ACNS.ColoState.EDU>8
Subject : Re: Closed repeaters (FCC wants them open)

In article <Jan22.192346.16125@yuma.ACNS.ColoState.EDU>
gw214790@LANCE.ColoState.Edu (Galen Watts) writes:
>As for the use of language along the lines of Mr. Maynard's, did you
>consider the possibility of younger hams reading his comments?
>The language used by Mr. Maynard does nothing but give his opponent
>another look from me, and gives me the impression Mr. Maynard does not
>have the command of the English language he needs to present a convincing
>argument.
>I often use such language myself, but not where the possibility of someone
>below the age of 12 can hear me. Ditto for my mother.

I have found, in my years of arguing issues that provoke passionate responses from the participants, that using words used mainly by folks with more than 50,000 word vocabularies is often counterproductive, for it leaves most folks wondering what it was that you just said. For the average person, expletives, used sparingly, convey an expressive power unmatched by more commonplace words, and the old saying that their use is an indicator of the inadequacy of the vocabulary of the speaker, besides being utterly false, is nothing more than an attempt to accomplish the impossible: to socially engineer them out of the language. My use of such terms in writing is extremely rare, and reserved always for times when the raw emotion to be gotten across is such that less charged language is inadequate. Come now - do you merely say, "Oh, dear," when you drop a 150-pound rolltop desk on your foot?

One must always write with the intended audience in mind. On this forum, the use of such language is neither proscribed by law, by regulation, nor by social custom. I am far from the first to have made such a strong statement, and I seriously doubt that I will be the last. This is one of the significant differences between Usenet and the ham bands: there, the use of such language is against both the governing regulations of the amateur radio service and the social customs that that service has evolved over the years.

My choice of words that has you and one email correspondent complaining was done carefully, with a full appreciation of the effects intended. I challenge you to come up with an expression that both conveys the full impact of my disgust with the tactics that Mr. Bly propounds and yet satisfies your prudery.

--

Jay Maynard, EMT-P, K5ZC, PP-ASEL | Never ascribe to malice that which can
jmaynard@oac.hsc.uth.tmc.edu | adequately be explained by stupidity.

"I don't want to read poor Microsoft bashing. I want to read good
Microsoft bashing." -- Douglas A. Bell, in comp.os.os2.advocacy (Me too!)

Date: Thu, 21 Jan 93 21:30:07 GMT

From: usc!rpi!newsserver.pixel.kodak.com!laidbak!tellab5!balr!ttd.teradyne.com!
news@network.UCSD.EDU

To: ham-policy@ucsd.edu

References <3075@uswnvg.uswnvg.com>, <1993Jan19.223419.13226@btree.uucp>,
<8486@lib.tmc.edu>

Subject : Re: Closed repeaters (FCC wants them open)

In article <1993Jan19.223419.13226@btree.uucp> bly@btree.uucp (Roger Bly) writes:

>Some buddies and I have been fighting the battle against closed, money-
>gathering repeaters since the late 1970s. We have used litigation and
>"jamming" as means to persuade closed repeaters to open or release their

>pair.

And you're 'proud' of this ? You really don't have a clue, do you .

John Rice K9IJ
rice@ttd.teradyne.com

Date: Thu, 21 Jan 93 21:23:18 GMT

From: usc!rpi!newsserver.pixel.kodak.com!laidbak!tellab5!balr!ttd.teradyne.com!
news@network.UCSD.EDU

To: ham-policy@ucsd.edu

References <3075@uswnvg.uswnvg.com>, <1993Jan19.223419.13226@btree.uucp>,
<8486@lib.tmc.edu>

Subject : Re: Closed repeaters (FCC wants them open)

In article <8486@lib.tmc.edu>, jmaynard@oac.hsc.uth.tmc.edu (Jay Maynard) writes:

>
> You apparently want to force such systems as the Cactus Intertie to become
> fully open. I have a prediction for you: it'll shut down first. All told, that
> will free up 10 channels in California, out of a total of 198. Big deal.
> --

Hey Jay,

This isn't a flame --- but how do you figure this number ? The way I count it, each site uses at least 8 freqs and I don't expect that they could be re-used except at (at least) alternate sites.

Input
Output
East Link In
East Link Out
West Link In
West Link Out
Control Link In
Control Link Out

And that's assuming only one 'user' In/Out freq. I know that alot of those sites have additional in/out links for telemetry, security, etc. That's gotta add up to more than 10 for the whole state.

J.R.
K9IJ

Date: Fri, 22 Jan 93 21:02:02 GMT
From: walter!porthos!dancer!whs70@uunet.uu.net
To: ham-policy@ucsd.edu

References <8491@lib.tmc.edu>, <1993Jan20.211059.8912@porthos.cc.bellcore.com>,
<C17n9E.2I1@sugar.neosoft.com>
Subject : Re: Closed repeaters (FCC wants them open)

In article <C17n9E.2I1@sugar.neosoft.com> jreese@NeoSoft.com (Jim Reese) writes:

>In article <1993Jan20.211059.8912@porthos.cc.bellcore.com>

whs70@dancer.cc.bellcore.com (sohl,william h) writes:

>>It need not cost the coordinator anything more than his personal time
>>and effort. There is no requirement that the coordinator hire an attorney.

>

>Anyone who goes to court to defend a lawsuit without an attorney is a FOOL!

>

>>As above, if the coordinator's decision is within the framework of whatever
>>FCC regulations apply, I fail to see why a coordinator couldn't just
>>make that argument him/herself to the judge where the case is being
>>handled. Also, it should be obvious to any court that any case
>>like that should not be argued in anything other than the appropriate
>>federal court.

>

>The problem is that you won't be sued for "assigning a frequency to someone
>else"...you'll get trapped in a slander case or something similar. The

>simple fact that they get you into the suit at all will bring your coordinating
>functions to a halt...you lose, even if you win...

Let's be serious here for a minute, slander (or libel) is a very specific area of law and assigning or not assigning frequency coordination to someone is totally unrelated to slander. Also, others have stated similar arguments, but as long as the issue or lawsuit involves the application of FCC rules, it does not and should not even be heard in a state or local court. The only way I can see a local court being the starting point would be if the suit is filed with NO claim of a violation of federal laws, but slander....come on now. I know there are all kinds of jerks out there, but I'd really like to hear a GOOD example of how a frequency coordination conflict gets turned into a slander case.

Again, what seems to be said here is that even if there's a change in the FCC regulations, the coordinators had best not implement the new rules because of this implied threat of a lawsuit, yet no such great case has been brought to the table. The one example involved the holding in reserve of some frequencies and that simply resulted in an out of court agreement to assign them. Interesting that there seems to be no knowledge of massive damage claims, slander charges, etc.

As to the Texas VHF society, their being tied up for two years in litigation seems to have had nothing to do with what they did, but what someone wrote in the club newsletter...again, a bit removed from the actual issue of frequency assignment/coordination. If I were the Texas VHF, etc., I'd have just folded the tent and started a new club, assuming the club was incorporated to at least protect its officers from individual suits.

Standard Disclaimer- Any opinions, etc. are mine and NOT my employer's.

Bill Sohl (K2UNK) BELLCORE (Bell Communications Research, Inc.)
Morristown, NJ email via UUCP bcr!cc!whs70
201-829-2879 Weekdays email via Internet whs70@cc.bellcore.com

Date: Thu, 21 Jan 93 21:50:21 GMT
From: usc!rpi!newsserver.pixel.kodak.com!laidbak!tellab5!balr!ttt.teradyne.com!
news@network.UCSD.EDU
To: ham-policy@ucsd.edu

References <1993Jan19.223419.13226@btree.uucp>, <8486@lib.tmc.edu>,
<1993Jan20.150617.3024@porthos.cc.bellcore.com>&
Subject : Re: Closed repeaters (FCC wants them open)

In article <1993Jan20.150617.3024@porthos.cc.bellcore.com>, whs70@dancer.cc.bellcore.com (sohl,william h) writes:

>
>>2) As things stand, frequency coordinators **CANNOT** "manage" the ratio of
>>open to closed repeaters; trying to do so will simply result in massive
>>lawsuits.
>
> And if the FCC does change the FEDERAL law (applicable Part 97), just
> who is going to sue whom over what. If the FCC changes part 97,
> surely you don't expect any repeater owner to prevail in a local court where
> the coordinator is just applying the FCC regs as proscribed? Just
> what do you even mean when you say "massive" lawsuits? I'm simply
> tired of seeing that threat tossed out as if it is supported by
> existing case law, etc. I've yet to see anyone post an example of
> a coordinator being sued which might have resulted in anything more
> than the frequency assignment issue being changed, etc. No one has
> yet to post any example of a financial penalty (monetary damages)
> ever being assessed against a coordinator.

Ahhh, but "who Bells the Cat" ?

Even if the FCC "changes the rules", someone still has to perform the co-ordination. If the FCC does not take on that role, then chaos will rule. Every closed repeater that's asked to "open up" because the mythical percentage of "closed systems" is too high will (rightly) say "Why Me". Some of the users of these closed systems have access to far more resources (read \$\$\$) than a co-ordination group and will go to court in a heartbeat.

And you apparently haven't read any of the published stories about the Texas VHF Society and their legal problems.

>
>> **NOBODY** in this discussion has yet offered a solution to this
>>problem. If the FCC wants frequency coordinators to make value judgments of
>>this sort, it should recognize individual coordinators officially, and give
>>them explicit authority to assign frequencies to individual stations. Without
>>these provisions, coordinators are powerless to do what you want.
>
> Then why would anyone ever sue a coordinator. You clearly point out
> that coordinators do NOT have any power to assign frequencies on any
> type of exclusive basis.
>

They'll sue because, although the co-ordinators have no power to explicitly assign frequencies, the FCC bases enforcement actions on decisions made by the co-ordinator in recommending assignments (or whatever you want to call it).

Maybe with our new President's position that "you have to pay for what you get"

(per his innagural speech), in a year we'll see 'frequency auctions' on 450Mhz
and the co-ordination issue will become moot.

John Rice - K9IJ		"Did I say that ?" I must have, but It was
rice@ttd.teradyne.com		MY opinion only, no one else's...Especially
		Not my Employer's.... Licensed since 1959
)		Ex: K8YZR, KH6GHC, WB9CSP, W9MMB, WA1TXV

End of Ham-Policy Digest V93 #20
